D
L. R
(1897-98)

16/8/97
156

On patel of Halgur village Malavalli
Taluk Mysore & Krishnappa an
Harijan

16

Previous references.

File No. ~~245~~ of 189

190

Serial Nos. 1 – 8

(~~Rev: Mis.~~)

L.R.

Later references.

Rev: Mis. 500 of 1903-04

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 8

Part B. for

bound & arranged

SUBJECT.

Poteli of Halgur Village Malavalli Taluk
— Appeal of Krishnappa and Manche Gow

Appeal Suit No. 17 of 97-98

1. From Manche Gowda Patel of Halagur Petition No. ~~5-05~~ of the 14.8.9
Appeals against the Dy. comrs order of the 9.7.97 confirm
the orders of the Sub: Dy. officer Mench Rocks, directing th
retention of ~~Hal~~ Krishnappa as joint Patel of Halagur with hi
2. To the Dy. comr. Mysore no. Pet. 350 of the 28.8.97
Forwards the above for submission of a report and
entire records and return of petition
3. From Krishnappa Patel of Halgur petition no. of the 18.8.97
Appeals against the Dy. comrs order of the 9.7.97 divid
the duties of the Poteli of Halgur between the petitioner
G. B. S. 58 and one Munchegowda
4. From the Dy. comr. of Mysore no. 570 of the 13.11.97
Reports on the petition from Munchegowda
Patel of Halagur

5 To petitioner Manchegowda Endt. No. 505 dt. the 20.1.98
Dismisses the appeal with the observation that the question might be reopened after the death of Krishnappa

✓ To Dy. Comr. Mysore No. 6636/Pet. 880 dt. the 20.1.98
Forwards copy of the above Endt. for information

To the petitioner Krishnappa Endt. No. 506 dt. the 20.1.98
Dismisses the appeal with

✓ To the Dy. Comr. Mysore No. 6637/Pet 881 dt. the 20.1.98
Forwards copy of the above Endt. for information

Appeal suit no 17 of 1897–98.

Appellant– Manché Gowda Potail of Halgur village, Malavalli Talug, Mysore district.

This is an appeal against order no of 9-7-97 of the deputy commissioner of the Mysore district, confirming order no 613 of 11–1–97 of the sub-division officer of French Rocks, that Manché Gowda the appellant should officiate as the Rev. Potail receiving $\frac{2}{3}$ of the Potigi amount as his remuneration and that Krishnappa should do the duties of Police potail & be in charge

Appellant Manché Gowda is a Nayadar whose claim was recognised by Govt. as in 1874 & Krishnappa appd Patel. He did not show himself fully qualified & under the Penalty that established Krishnappa was appd addl Patel & allowed to do the duties worthy mighty also from 1874. under these circs both have claims to continue as they have begun & the division of work & remuneration is very fair – Perhaps the arrangement may be reconsidered after the death of Krishnappa. Both the appeals may be dismissed & the same intimated to the parties & to the Dy Com

11/1/98

Govt

Govt to put up 7/1/98

DC Comr 14/1/98

of cattle pound, being allowed $\frac{1}{3}$ of the Potigi for his services besides the commission payable to him on the pound collections.

Bhanne gowda Potail 4-8-73 ——— (7)
of Halgur village submitted the following petition to the Amildar — "I am the hagdar Potail of Halgur village. As I am weak & suffering from a disease I cannot continue in service. I have neither sons nor brothers who can claim the office of Potaili. I pray that my friend Krishnappa son of Senkaranarayanappa may be appointed Potail.

The Amildar thereon 7-8-73
took down the following deposition of Bhanne Gowda — "As I am weak I have resigned Rajeswamma of my office. I have no sons, brothers or uncles who are my near relatives. But — I have got two very distant relatives in Halgur viz, Bulakanamacha and

2 Chikkeri Kenche Gowda.
But I pray that my
friend Krishnappa son
of Sankaranarayan
may be appointed Potail.
Also Chikkeri Kenche
Gowda, his son Manche
Gowda, & Hulakanamacha
were also made to
depose before the Amildar.

23-9-73- Chikkeri Kenche
Gowda deposed as follows.
Channé Gowda is my
Cousin ie my father's
brother's son. I am the
hagdar of this Potaili office.
I request that my son
Manche Gowda may
be appointed Potail.
my son is literate. I
have got a nephew (brother's
son) by name macha.
He is also a hagdar of
the Potaili office. There
are no claimants to
the office beyond the above-
mentioned hagdars.

Manche Gowda son
of Kenché Gowda deposed
as follows — 'I will do
the duties of Potaili if
I be appointed Potail
as requested by my father

'If I be given 8 months' time I will learn to write well.'

Hulakana macha deposed as follows— 'Though I am hagdar to the office yet— I am willing that Manche Gowda son of my uncle Kenche Gowda may be appointed Potail.'

Bhanne Gowda has again deposed as follows— Though I am hagdar to the office yet— I am willing that my brothers son Manche Gowda may be appointed Potail.'

Meanwhile the ryots of Halgiss village submitted the following petition to the Dy. Coms.— 'We hear Bhanne Gowda Potail of our village has requested the Amildar to appoint one Krishnappa Potail of the village in his place. Krishnappa is a Brahmin & there are other hagdars to the office. Besides, Krishnappa's father, while he was Shanbhog of the village, the ryots of

3-8-73

have prepared a Mahazar to the effect that Sankara-narayappa father of Krishnappa & the latter should not be given Shanbhog's place. On these grounds we pray that in place of Krishnappa Channé Gowda's relative may be appointed potail.'

Simultaneously with the above petition Manché Gowda submitted the following petition to the Dy. Coms — 'I hear that Channé Gowda has requested the Amildar to appoint one Krishnappa Potail of the village. In case my brother resigns the place, I pray that I may be appointed potail as I am a Wagdar

(6) —— 5 — 3 — 71

On the submission of the above petitions ~~(except the last two)~~ & the depositions, by the Amildar, the Asst. Coms passed the following order — Manché Gowda son of Kenche Gowda is appointed Potail of Halagur temporarily as he is a relative of Channé Gowda & has the consent-

of his near relatives.
A report should be
submitted to the
Inquiche Gowda before
himself for the per-
manence of the ~~Potaile~~.
Office of Potaili.'

As regards the appoint- 8—4—75
ment of Krishnappa
the Dy. Comr sent the
following order to the
Amildar— 'You required
another Potail to Halgur
village as it is a big
one. As recommended
by you Krishnappa
has been appointed
an additional Potail
of Halgur village pending
the sanction of the
division Comr.

Accordingly Krishnappa { 16—4—75 —— (4) 7
was appointed Potail. { 17—4—75 —— (5)½

Inquiche Gowda after 18—3—95 —— (1)
a lapse of nearly 20
years submitted the following
petition to the Subdivision
Officer of French Rocks—
'I had substituted Krishnappa
to officiate as Potail of
Halgur on account of

some domestic inconvenience. I request now that I may be permitted to do the duties of Potaili as I have no domestic inconvenience.'

26—4—95— About a month after Krishnappa submitted the following report to the Amildar. 'Manche Gowda and I have been Potails of Halgur village. But for the last 20 or 25 years I alone have been discharging the duties of Potaili. A certain amount of revenue is due by me to Govt. I have no other resource now than my Potigi. I pray that my Potigi amount for 1893-94 may be granted to me.'

Thereon the shekdar was ordered by the Amildar to submit a report showing the amount due by Krishnappa, & to inform Manche Gowda that he could not get his Potigi if he were careless in his duty.

Krishnappa Potail of Halgur submitted the following petition to the Amildar — 'I am asked to submit by Hukkum No 175 of 21—10—95 the records in support of my appointment to the Office of Potail. I have submitted herewith the copy of Hukkum No 7 of 16—4—75 from the Amildar & the copy of Hukkum (without number) of 17—4—75 from the Shekdar. Both these Hukkums state that Krishnappa has been appointed Potail of Halgur in anticipation of sanction from the Division Commissioner. 2—12—95 (3)

Vide (4 & 6)

Thereon the Amildar took down the depositions of Krishnappa and Manche Gowda.

Krishnappa deposed as follows — 'The Office of Potail of this village (Halgur) does not belong to my ancestors. In 75 I was appointed an additional Potail of this village on the grounds 4—12—95 (6)

that the village was a big one, that two villages were attached to it, and that a literate Potail was wanted to discharge ~~the~~ duties satisfactorily, by ~~Authorities~~ above referred to. Since 1875 I have been alone discharging the duties of Potaili. I have not received any order confirming my appointment. I have been asked to do my duties till I get a fresh order.

(7) —— 29-12-95 And Manche Gowda deposed as follows —

I am the Potail of Halgur village & my name is entered in Baravard. But I have no order with me to that effect. This office of Potail has been enjoyed by my family from generations. I alone have been discharging the duties of Potaili. About 5 or 6 years back on account of domestic

inconvenience I had occasionally employed one Subba Setti to do the duties of Potaili without reference to the Talugo Authorities. For the last two years Krishnappa is doing the duties of Potaili. I protested against the appointment of Krishnappa to the Amildar. But nothing was decided. I am a nagdar Potail of the village. I pray that I may be restored to the Office of Potaili.

Manche Gowda requested the Amildar to direct Krishnappa to hand over the charge of the Office to him. 22-1-96 — (8)

When the Shekdar, as directed by the Amildar asked Krishnappa to hand over the charge of the Office he (Krishnappa) submitted the following report — "I have been discharging the duties of Potaili of this village (Halgur) for the last 21 years. I 14 — 2 — 96 — (8/1)

was appointed Potail of the village on the grounds that the village was big & required a literate Potail as myself to discharge the duties properly. I alone have been discharging the duties. I cannot hand over the charge to Manche Gowda without proper reason. Besides there is no reason why I should be deprived of my office after an approved service of 21 years

(9) —— 20-3-96

Thereon Krishnappa submitted the following petition to the Sub Division Officer of French Rocks—

In 1874 Manche Gowda was appointed Potail of Halgur. As he was found inexperienced & illiterate by the Jamabandi Officer of that year, I was appointed Potail to discharge the duties of this big village. Since that time I have been alone discharging the duties without giving

rise to any complaint.
After the survey settlement
the Potigi was settled.
The Amildar on the
submission of a petition
by Manche Gowda, has
given me orders to
hand over the charge
of my office to Manche
Gowda. I have received
two years' potigi for
my salary. Yet Manche Gowda
even without Shanbhog,
has been collecting revenue
from the ryots & paying
the same to Govt. He
has instigated Toti &
others to disobey me.
Manche Gowda is
unfit to do the duties
of Potaili. I therefore
pray that I alone
may be ordered to
discharge the duties
of Potaili as I was
hitherto doing.

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Thereon the Amildar 1—4—96.
was directed to report
on the petition.

Meanwhile Krishnappa Vide — (10 and 12)
submitted two petitions

B

of 18-4-96 & 3-6-96 respectively to the Amildar stating as follows ——

" Though I have been discharging the duties of Potaili of Halgur for the last 21 years without giving rise to any complaint- yet- I am asked by your order to hand over the charge of my Office to Manche Gowda. Besides, Manche Gowda collects fines on impounded cattle & pays the same to the Sheristadar though he is prohibited to do so by your order. I pray that I may alone be permitted to discharge the duties of Potaili without any obstacle from Manche Gowda.

(11) — 20-4-96 Krishnappa submitted a petition to the Sub-Division officer of French Rocks also, stating that he has been compelled by the Amildar to hand over the charge of the Office of Potaili.

(16) — 17-6-96 Krishnappa submitted a report to the Amildar stating that Manche Gowda

was impounding cattle in his own house. and that he (Krishnappa) wanted copies of certain records.

About the same time the ryots of Halgur village submitted the following petition — 20-6-96

'Manche Gowda was appointed Potail of Halgur about 25 years back. One Krishnapp. of Brahmin caste on the assertion that he has been appointed Potail of Halgur in addition to Manche Gowda, has been doing the duties of Potail for the last 8 or 10 years. We do not know whether he has any order to that effect. But we are put to much inconvenience on account of Krishnappa we pray that Manche Gowda alone may be directed to ~~do~~ discharge the duties of Potail of Halgur.'

Meanwhile Manche Gowda submits a report to the Amildar as follows — 2-7-96 — (20)

As ordered by you the cattlepound is constructed

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the Taluk Inspector has taken the measurement of the same. I request that the amount sheet for the construction of the cattle-pound may be remitted to me. I also request that the Poligi for 1895-96 may be given to me.'

(14) — 3-7-96 — The Amildar thereon took down the following deposition of Shanbhag narsimha Iya of Halgur-

'Manche Gowda and Krishnappa are two Potails appointed for Halgur village. The former has a hereditary right to the Office. Whereas the latter was appointed Potail in 1875 by the then jamabandi Officer. Krishnappa alone was discharging the duties of Potail till the last year when Manche Gowda was also ordered to do the duties of the Office. Now Manche Gowda looks after the duty of revenue collection.'

— 13-7-96 — And reported to the

ub division officer
s follows — 'According
- Barabaluti Register
anche Gowda is hag-
dar potail of Halgur.
rishnappa was appointed
otail in 1875 on the ground
at the village was a big
e. Krishnappa has
een discharging his
uties satisfactorily for
e last 21 years. A
ar back Manchi
owda also was given order
do the duties of Potail.'

The Amildar further
eported that Krishnappa
as appointed Potail
y order no 5/39 of 8-4-75
that a register also containing
e reference to the appoint-
ent had been sub-
itted.

About the same
ime Krishnappa sub-
itted three petitions to
e sub division officer
tating as follows —

I was appointed
otail of Halgur in
75 by the order of the
y. Govt & have been
is-charging my duties

16-7-96 — (23)
25-7-96 — (24)
28-7-96 — (25)

satisfactorily for the last — 21 years. But by the connivance of some of the Taluq officials Manche Gowda has been collecting fines on impounded cattle unauthorizedly & paying the same to the Taluq Treasury. The Cattle-pound was repaired by Manche Gowda. On this ground Manche Gowda refuses to hand over the charge of the Cattlepound to me. Considerable inconvenience is caused by the conduct of Manche Gowda to impound the stray cattle. Manche Gowda's right to Potaili is barred by limitation. I pray that I alone may be permitted to discharge the duties of Potaili."

7 (16/1, 16/3, 16/4, 16/5, 16/6) 17

Manche Gowda was ordered to hand over the keys of the cattle-pound to Krishnappa. But he refused to hand over the same.

29 — 7 — 96 — (26) 7
31 — 7 — 96 — (27) 7
~~31 — 7 — 96 — (28)~~

Manche Gowda also submitted two petitions one to the Asstt: Comr & the other to the Sub-Division officer of Trencks, stating as follows — ' Krishnappa induced Chenne Gowda to resign his office with a view to get the office of Potail for himself. But — as I was the hagdar I was appointed Potail & have ever since been discharging my duties as Potail. It — is unjust to have appointed Krishnappa Potail while there are competent members in my family to discharge any amount of work pertaining to the office of Potail. I was under the impression that Krishnappa was appointed to look after the cattle-pound of the village. Krishnappa is a relative of the Shanbhog of the village. These have

conspired to make entries in the records that Krishnappa alone was doing the duties of Potail. I have been asked by the present Amildar to hand over the Keys of the Cattle-pound to Krishnappa. But the Cattle-pound was placed in my charge by the previous Amildar. I pray that I alone may be ordered to do the duties of Potail with reference to the records concerning the case.'

{28 / 29} 31-7-96

Krishnappa again submitted two petitions one to the Sub-division Officer of French Rocks & the other to the Dy. Comr. as follows — I have been the Potail of Halgur for the last 21 years. without any remuneration. Manche Gowda was allowed by the late Mohamadan

Amildar to do the duties
of Potāli & receive a
share in the Potigi.
Manche Gowda's right
to the office of Potāli
is barred by limitation.
Any several petitions
to the Amildar for
the decision of the case
are not heeded. I
pray that the Amildar
may be ordered to
direct me alone to
do the duties of Potail
of the said village."

Thereon the Sub. 1-8-96 —— {3.3. & 9.}
division Officer of French
Rocks requested the
Dy. Comr. to send the
record containing
recommendation to
the Division Commissioner
for sanctioning the appoint-
ment of Krishnappa
and the original
Inspection List of Potails.
But the Inspection List
was not found in the
records.

Meanwhile Manche (17, 30, 16/6. 16/5, 22, 19, 18. 28/7)
Gowda & Krishnappa
were each endeavouring to get an undisputed

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possession of the Cattle-pound. But the Cattle-pound was in possession of Manche Gowda & he refused to hand over the Keys of it to Krishnappa.

(32) —— 12-10-96

Thereon the Amildar reported to the Sub-division Officer of French Rocks as follows- The reason why Krishnappa should hand over the charge of the Cattle-pound to Manche Gowda is not known. Anyhow Krishnappa has been ordered to hand over the charge of the Cattle-pound to Manche Gowda. By referring to the records it is observed that Manche Gowda & Krishnappa were both Potails of Kalgur village But Manche Gowda does not seem to have been discharging the duties of the Office up

to the present time.
Now the Survey settlement
is completed & the Potigi
is determined. For this
reason Manche Gowda
has been trying to ~~take~~
participate in discharging
the duties of the Office
of Potaili. As Manche
Gowda is a hagdar
Potail his claims cannot
be overlooked. But
Krishnappa was dis-
charging the duties of
Potaili without remuneration
till the Survey settlement.
It seems unfair that
Krishnappa should
be deprived of the
charge of the Cattle-pound.
For the above reasons
it seems fair that
Manche Gowda should be directed
to be Rev. Potail and do the duties of
collecting revenue, Keeping
register of births & deaths,
& repairing tanks &c. and
that Krishnappa should
be directed to be Police
Potail & be in charge
of the Cattle-pound &
Sanitation of the village.

the dispute between the two claimants of the office should be early settled. Otherwise there would be much hindrance in the way of discharging the duties of the office promptly. I have submitted the entire records connected with the case."

(34) — 16-11-96 — About a month after Krishnappa submitted the following petition to the Subdivision Officer of French Rocks- "I have been Potail of Halgen for the last 21 years without any remuneration whatever. Yet I have been asked by the Amildar to hand over the charge of the cattlepound to one Manche Gowda. I pray that I may be allowed to be in possession of the cattle-pound till my case be settled.

(35 2 2/4) — 11-1-97 — Thereon the Subdivision Officer of French Rocks

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24 gave the following decision —
"Hagdar Potail Manche Gowda has been ordered to be Rev. Potail & Krishnappa a Police Potail & also be in charge the Cattle-pound. As Krishnappa is allowed some commission for the Cattlepound, he should receive ⅓ of the Potigi. And Manche Gowda should receive ⅔ of the Potigi."—

The above order (36, 36/1 . 36/2) 7
was intimated to Manche Gowda through the Shekdar. But— Manche Gowda evades to hand over the charge of the Cattle-pound & Police duties to Krishnappa.

Manche Gowda appealed 8—2—97 —— (38) 7
against the above order of the Sub division officer, to the Dy. bo—
on the following grounds.—

That— the Sub division Officer's order appointing Krishnappa as a second Potail of the Halgur village, assigning to him

not only the fees realised from the cattle-pound but also a third share of the Potiji is illegal inconsistant and unwarranted by the records & circumstances of the case.

2 That the Sub Division Officer has overlooked the fact that Manche Gowda is the duly appointed Potail of Halgur village and that he is as such entitled to all the remunerations pertaining to the office including fees from cattle-pound.

3 That the Sub Division Officer has failed to notice that Manche Gowda was appointed Potail in 1873 in recognition of the rights of his ancestors to the office, and that he has been holding the office ever since.

4. That as the revenue of Halgur village is only Rs 1000 and odd a year, there is no necessity for the appointment of two Potails to the village.

5 That Krishnappa is a Brahmin and he is moreover the Shanbhog of a neighbouring village, and that he has no right whatever to the Potailship of Halgur.

6 That Manche Gowda can read & write Canarese

7 That Manche Gowda has a son who knows to read and write and is quite competent to be an additional Potail of the village if it be necessary to create this Office.

8 That the Sub division Officer has overlooked his order no 234 to the Amildar of the Malavalli Taluq

directing that Manche Gowda should continue in charge of the Cattle-pound until the disposal of his petition regarding the Potailship of Halgur village.

(2/1)7 — 13-2-97

Krishnappa also appealed against the very order of the Sub-division Officer of French Rocks on the following grounds—

1. That Krishnappa having been appointed Potail in 1874-75, and he being a Baravardar since then, his right to the sole Potaili office should have been recognised instead of giving only Police and Pound duties to him

2 Two Amildars viz Messrs. Subba Roa and Krishna Rao, having as a result of their enquiry reported, that ~~He~~ Krishnappa alone

has done the duties of the Potaili office, the claim of Manche Gowda if any is time barred.

3 Beyond the fact that Manche Gowda's name appears in the Register there is not an iota of evidence oral or documentary to show that he did the duties at any time.

4. The fact that Manche Gowda's name does not appear in Vasuly book Khatteny, Kirady, Births & deaths Register, Pound register or any other other documents or accounts in which the officiating Potail's name ought to appear, coupled with the evidence of Shanbhogue taken by the Amildar, will clearly show that Manche Gowda did never do the duties of Potail & that even if he had any right, such right was lost.

5. It is bad in principle

that the literate potail (Krishnappa) appointed by Govt. so far back as 22 years ago & who worked to the satisfaction of his superiors without the least blame (vide Amildar Subbarao's report) at a time when there was no Potigi should be deprived of the important portion of the Potaily's work viz Revenue work that illiterate person Manche Gowda should be given the work.

6. Manche Gowda is not entitled to get the appointment of Potaili at all.

7. The order giving Krishnappa only 1/3 of potigi is not sound and fair.

Thereon the Dy. Comm ordered for the records connected with the case. At the same time parties were given notices to appear before the Dy. Comm

Meanwhile Krishnappa 5-4-97 ——(4)
submitted a petition to the Dy.
Comrs requesting not
to be pressed by the Amild
to hand over the charge
of the Potail to Manche
Gowda until the disposal
of his case.

Thereon the Amildar 24-5-97 ——(1)
reported as follows ——
"There are references
in the Taluq Diary to
the report No 1129 & 14-3-74
submitted to the District-
Office, stating that Manche
Gowda was appointed
Potail & the report No 31 & 11-4-75
submitted to the same Office
stating that Krishnappa
was appointed Potail.
The original Inspection
Register of Potails of
Col. Hill's time, in which
the appointment of Krishnappa
is mentioned is ~~also~~
submitted herewith. I
have also submitted herewith
15 years' Kirdi books viz.,
1876-77; — 78-79; 79-80,
80-81; 81-82; 82-83; 83-84;
86-87; 87-88 and ~~also of~~
Khara, nandana, Jaya & Manmatha.

{Note — ~~only the Kirdis are mentioned~~}

In the Kirdi of 1876-77 Manche Gowda's name is mentioned in Connection with Revenue Collections on the 12th 13th 16th & 18th of May. From 1877 to 1896 only Krishnappa's name is mentioned but not that of Manche Gowda. But from the 21st of January 1896 the names of both Krishnappa & Manche Gowda are mentioned in Connection with the revenue Collections. I have sent all the available Kirdies at present, for reference. In support of the statement that Krishnappa alone was in ~~sole~~ charge of the cattle pound he has produced, battle pound registers from ~~7-6-96~~ (12 in number), 1875 to 1896, Remittance registers of cattle pound income (6 in number) and 15 registers of Births & deaths. The above registers are also submitted for reference.

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by bonds (vide Sect. 11 of the Evidence Act.)

3 That Manche Gowda was appointed Potail temporarily by the Jamabandi Officer on a trial of 3 or 4 months. (Vide the Order of the Asstt: Comm. in 1893).

4. That no accounts for the past 21 years contain the signature of Manche Gowda.

5 That if Manche Gowda ever did the duties of Potail, during such a long period of 21 years, he must have received one or two Thalcids at least; one or two reports at least he must have made to the Police or Taluq Office once or twice at least he must have paid ersal money into the treasury.

6 That the period of 21 years

is sufficient to extinguish the rights of Manche Gowda to the office of Potail.

7 That it is unjust to divest Krishnappa of the important branch of the Potaili viz revenue duties & to transfer the same from a proved veteran to an illiterate novice.

8 For the last two years Krishnappa has drawn the Potigi.

Thereon the Dy. Com. after hearing the what the parties had to say & after refering to the whole of the records connected with the case confirmed the order of the Sub-division Officer for the following reasons— Manche Gowda has collected the revenue of the village on some dates in 1876. Further Manche Gowda has produced a copy of the order of 1880 sanctioning

9—9—97
to

35

to him 6 months' leave on substitute on the recommendation of the Amildar. By these it is inferred that Manche Gowda was doing the duties of Potail. Krishnappa being literate he has signed all the records concerning the Office of Potail. Krishnappa has also discharged the duties of the Potail of the village for the last 22 years. Both have worked without remuneration. The quarrel arises from the settlement of the Potigi. The Sub-Division Officer has rightly recognised the rights of both the Potails in a proper manner.

The Amildar thereon was ordered to put the above order in force.

16-8-97

Now Manche Gowda has preferred an appeal to Govt against the orders of the Sub-division Officer

and the deputy commissioner on the following grounds —

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1 That it is not disputed that the Potailé of the village was held by the ancestors of the petitioner & the office is a hereditary & the petitioner & his heirs are the hakdars to the office.

2 That it is not denied that Krishnappa is a Brahmin having no manner of claim to the Potaili or to any part of the emoluments attached thereto.

3 That there is good reason to suspect the circumstances under which Krishnappa's name came to be on the so called Inspection Register of Potails & a great deal more to think. The dy. com. he is an interloper Besides the dy. com. admits that there is no reference

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showing that Krishnappa was properly appointed as Potail. The standing order of Govt. is against the appointment of a Brahmin to the Office of Potail & wherever this is held under a hereditary title it is to be discontinued on the extinction of heirs. Besides it is against the policy of the Govt. that Krishnappa should be both Potail of Halgur village & the Shanbhog of a neighbouring village.

4. That Krishnappa's service since 1875 cannot create any indefeasible right to the Office of Potail.

5 That the village is not so large as to require two Potails for its management.

On the above grounds Manche Gowda prays that the Dy. Comrs order

may be cancelled & until the disposal of the case he further prays that the Dy. Comrs order may not be put into force.

38

Krishnappa also 18-8-97
has preferred an appeal to Govt against the very orders of the Sub Division Officer & the Dy. Comrs on the following grounds —

1 That it is quite clear from the records that Krishnappa was appointed Potail in 1875 by the order of the Dy. Comrs & that he has been discharging the duties of Potail alone ever since he was appointed

2 That the reports of the two Amildars viz Mr Subba Rao & Mr Krishna Rao, and the deposition of Halgur Shanbhog, clearly show that Krishnappa alone was doing the duties of Potail for the last 21 years.

39

3 That if Manche Gowda had done the duties of Potaili his name ought to have appeared in Kirdi & other accounts. The presumption of the Govt. bonus is quite against the proof of the facts.

4. That Manche Gowda's petitions in 1894-95 to the Amildar & the Sub-division Officer's order to Manche Gowda to do the duties of Potaili, is a clear proof that Manche Gowda was not doing the duties of Potaili ~~1896~~ up to 1894

5. That mere application for leave and approval is not at all a clear proof of his doing duty, as presumed by the Govt. bonus. Even supposing that Manche Gowda was doing the duties of Potail up to 1880 as presumed by the Govt. bonus still there is no record to show

that Manche Gowda was doing the duties of Potail after 1880.

6 Though Manche Gowda was appointed Potail in 1892 yet he right to the office is barred by limitation as he ~~performed~~ failed to do the duties of the Office. On these grounds Krishnappa prays that he alone may be ordered to be Potail of Halgur village.

The Amildar 20-10-97
in his final report states that Krishnappa is a shanbhog of Doddabelachagere the neighbouring village of Halgur & receives Kacha Potigi for his office there.

Note

Eighteen cattle-pound registers are produced along with the file. But in no register Manche Gowda's

41

name is mentioned

There are 16 Registers of Births & deaths. But-one of there is the register of births & deaths of ~~Co~~ cattle. In there registers also Manche Gowda's name is not mentioned

There are 15 Kirdi books. In the Kirdi of 1876-77 Manche Gowda's name is mentioned. In two Kirdies of 1877-78 and 1878-79 both the names are absent. ~~Co~~ In the remaining 12 Kirdies Krishnappa's name is mentioned as Potail

There is a statement showing the emoluments of Potails of the Malavalli Taluq. In this no name of Krishnappa is mentioned. But in the opposite of Manche Gowda's name the Subdivisional Officer's ~~Co~~ order is written

There is also a small Canarese file concerning the Cattle-pound. There are orders from the Amildar to the person in charge of the cattle-pound. The orders ~~of~~ from the Amildar & the reports from the Potail date from 1876. But in no report or order Manche Gowda's name is mentioned. Whereas Krishnappa's name is mentioned as Potail. The orders of the Amildar ~~deal~~ refer to the proper keeping of the Cattle-pound.

42

Mr.
21/12/97

Manche Gowda is a distant relative of the Last-holder Cheene Gowda & was appointed patel on probation by the Amildar on 5/3/74. Krishnappa was appointed accountant patel by the D/ comm'r on 8/4/75. For 20 years both seem to have been doing duties, Krishnappa doing the clerical work. As owing to the Pottpi Settlement, the office has become attractive, each wants to oust the other. Manche Gowda says he is the Amildar while Krishnappa pleads his service of 20 years & asserts that the Gowda never did the duties

Mr. 10/1/98

References. A.K. Iyer
18/8/97 Please put up this standing order referred to

R. R. 16 245 of 97-98

Serial No. 1897

No. 5058. A.S. No. 17 97-98

Name of Petitioner Shanchi Gowda Patil

Village Halagur.

Taluk Malvalli

District Mysore

Date of Arzi 14th August/97

Date of Receipt 16th August/97

Date of Disposal

No. of Enclosure one.

Vide Sec. XLIII, Para 3, Cl. (c) of Rev. Rules.

20/8/97.

* Submitted

(1) Two Rs. Stamp affixed: Stamp sufficient
(2) The order appealed against: In time
is dt 9-7-97. AK 20/8/97

(3) Appeal against Dy Comr's order recognising one Krishnappa & the joint patels of Halapur of which pet^r claims to be the sole patel. The Dy Comr recognises the c-pet^r's claims on the ground that he has been doing duty for 20 years.

(4) Counsel case

Subd to 2nd Councillor

Rd 20th Aug. 24-8-97. M 24/8/97

Case returned in revised circulated 25/8/97

For Om M 26/8/97

Adopted

H 26/8/97

ABSTRACT.

Petitioner appeals against Deputy Comr's order dated 9.7.97, confirming the act of the Sub Dist officer, Channarayapatna, dismissing the petitioner's claim as Patel of Halagur.

The order appealed under appeal is known as follows:—

"The appointment of Krishnappa as Patel appears to have been made on the application of Channigappa Patel

and at the same time he
took and he was welcomed
graciously in case he called
to the duties of
his post that he has
neither sons nor any
other competent heirs
& succeeded him as Patel.
That Kerishnappa who
was his trustworthy person, friend
may therefore, be
appointed as Patel:
that when the application
of Chinnigowda, was
backed by the
Circildar, forwarding
the Kerishnappa
and Chinnigowda,
were forwarded and
rejected & the appointment
of Kerishnappa
as Patel - and stated
that Ramajigowda
(appellant) should
appointed the Patel
the village - and
same a statement
to, accordingly: the
petition presented by
village post stating
Kerishnappa who
is learning and who

to the Deputy Commissioner

of the village, was
referred to the Jamadar holding
officer who after a due
enquiry into the matter,
reported that Manjegowda who is the heir
of Chinnigowda, had
been appointed as Patel
temporarily - and that
his confirmation
would be recommended
after he had been tried
for a time and found
competent for it. The
"Missal" Register of Colonel
Hill, has the name
of Manjegowda.

2. The Nishtha pay is
appointment as the Patel
of the village, was
objected to and Manjegowda
was appointed as
such, yet Nishtha pay
was appointed as
Patel pending
the sanction of the D.C.
Hungoor - and an order
No. 5. dated 8. 4. 75, was
issued accordingly,
by the Deputy Commissr,
& the Taluk. The records of
the case, do not contain
the correspondence which

Cook

took place between
the Accountant and the
Deputy Commissioner
Colonel Hill says in
the "Annual (Inspection)
Register, that the village
is a large one — and
that Nanishappa
may be appointed
as another talat &c.
3 There is nothing
in the record to show
that Hanmgowda
has been confirmed
as talat — and that
Nanishappa's appoint-
ment as a ~~another~~ talat,
has been cancelled
by the Commissioner's
Commands, but from
the accounts it could
be seen that Nanishappa
has been doing the
duties of the talat since
1875 — and that Hanmgowda
was able to
serve them — as he
produced an order
granting him six
months' leave in 1880
and as none of the
Collection accounts
for May 1876, bear
his

together with the Village
documents.

~~For~~ Grounds of appeal
Vide appeal petition
which is in English.

KK
18/8/19

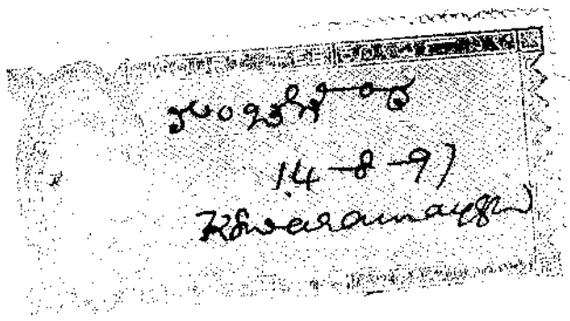
Grounds of appeal

(1) C-petr is a Brahmin & cannot be appointed the patel under the standing orders

(2) C-petr has no hereditary claim to the post.

(3) The villagers do not so large as to need two patels

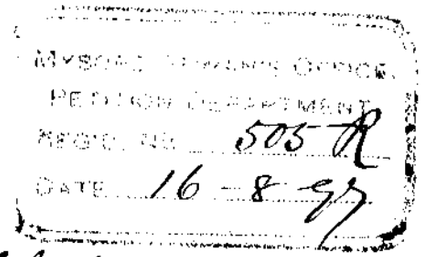
M 24/8/19



49 No. 505

16/8/97 D R C for Cable office

Recd from the Registrar 16/8/97 HK



No.

The Government of Meysore

The Petitioner Meanchey Gowda Patel of Halagoor of the Malavalli Taluk Meysore District begs to appeal for the following reasons against the order of the Deputy Commissioner of Meysore confirming the order of the French Rocks Sub Dy. officer appointing Krishtnappa to the charge of the Pound & to perform the duties of a Police Patel of Halgoor to the exclusion of the Petitioner and his heirs & directing the payment by petitioner of a 1/3rd of the Potgi amount to the said Krishtnappa —

1. It is not disputed that the Potely of the village was held by the ancestors of the Petitioner & the office is a hereditary one & the Petitioner & his heirs are the Hakidars to the office —

2. It is not denied that Krishtnappa is a Brahimen having no manner of claim to the Potely or to any part the emoluments attached thereto.

3 There is good reason to suspect the circumstances under which his name came to be on the so called "Misal" Register and a great deal, more to think he is an Interloper and the

Deputy Commissioner admitts there is no reference shewing Krishtnappa was properly appointed as Potel - The standing order of Government is against the appointment to brahmins to the office of Potel & wherever this is held under a hereditary title to discontinue it on the extinction of heirs & the present order in favor of Krishtnappa who by the way is also a Shanbogue of a neighbouring village is an politic being against the declared policy of the Gourment -

As Krishtnappa cannot be said to claim the office under any such title the reason for continuing him as Potel namely that he has been doing the duties of it since 1875 - (of which fact the proof is not satisfactory) is unsound since performence by him (even supposing it is true he did) of the duties for any length of time does not invest him with indefeasible rights especially where the circumstances of the case show that he has not come by the place in a fair manner but has been then as an Interloper -

The village is not very large one nor its affairs so multitudious as to render their management by one Potel impossible and even it should be considered otherwise there are other members in the family eligible to perform the duties and the choice of appointing another when such is necessary should be confirmed to those members only

only & stranger excluded —

The appertionment of the potge. already small, between the petitioner & the Interloper cripples the income of the petitioner & influence adversely the performence by petitioner of the duties of his office —

The Petitioner prays therefore that the order confirming against be annulled & the petitioner directed to be the sole Patel being aided if necessary by any other members of his family competent to take part in his duties —

The petitioner prays for an early order & pending the disposal of his appeal he solicits the Government to stay execution of the Deputy Commissioner's orders appealed against —

14th August 1897
Bangalore —

ಅರ್ಜಿದಾರನ ಸಹಿ

R.M.L. 10 Pet 350 97/98

28-8-97

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT. M.S. No. 17 97-98

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition No. 505 dated 16-8-97 received at the Dewan's Office from Marichè gowda, Patel of Halagur village in the Malavalli Tk., appealing against the order of the Dy. Comr. dated 9-7-97 confirming the order of the Sub-Dn. Officer directing the retention of Krishnappa as Patel of Halagur is forwarded, together with its one enclosures, to the Deputy Commissioner of the Mysore District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

2. The petition with its enclosure should be returned.

By order,

C 2

Chief Secretary.

BANGALORE,

28/8 189 7

28/8/97

M.G.C.P.B.—25-4-95—1,000

abstract

9/9 WR 18/8/97

Submitted

(1) Two Rs. Stamp affixed. Stamp duly

(2) Record of Dy. Comr: in time

10/9-7-97. BK

30/8/97

[Heard in a cross-appeal by Munche Gowda Put up the reply

MM 3/9/97

Kunjanna - Please put up AK 3/9/97

505 of 97 Call for report with records. 25-8-97.

BK

3/9/97 Reply put up.

AK 5/9/97.

Submitted BK 7/9/97

(3) Appeal against Dy Comrs order recognising the Claims of Munche Gowda & the Joint Patels of Hulpoor

(4) Counsel case

On the appeal of Munche Gowda who was also dissatisfied with the order, a report with records has been called for

Sub by 2nd Counsellor

MM 9/9/97

207. 10 Pm.
8. 9. 97.

This may be submitted

P. with Records

10/9/97

10/9/97 2nd Counsellor MM 11/9/97

16
24-8-97-98

1897

No. 531

Name of Petitioner Krishnabba, Patel of

Village Hulpoor

Taluk Malavalli

District Mysore

Date of Arzi 18-8-97

Date of Receipt 18-8-97

Date of Disposal

No. of Enclosure One - (copy of Comr's Order)

ABSTRACT.

Appeal against the Order of the Dy Comr: Mysore, 9-7-97, dividing the duties and remuneration of the Patels of Hulpoor between the Petr and one Munche Gowda

States that the ~~Petr~~ he was appointed in 1875 by the Comr: Patel of Hulpoor and that he has been doing all the duties of the Patel

that the reports of some Amildars and the other

of the Shanbhog of Hirlepoor
show that the pet^r was the
only patel for the 5 acs village
for the last 21 years;-
that the presumption of the
D^r Manuv^r as to the fact that
Manchepowda also was the
patel of the same village is wrong
and^d contradicted by the fact
that, if Manchepowda did
collect the revenue, his signatures
are not to be found in Vasoolee Khirdee ^{Rs}.;-
that that the said Manchepowda
was not the patel ^{at any time} previous to '96
is clear from the fact that
he applied for reappointment
in 1894-'95 and from the
order of the Assistan Hanau Ali Baig also;-
that the Said Manchepowda
was painted leave on a certain occasion
is not enough to prove that he was
the patel in the absence of other
to prove that he actually was a patel;-
that even granting that Manchepowda
was appointed patel in 1874 his
claims to the patelii are barred by the
law of Limitation because he did
not take active part in his duties,

Prays that, under the ~~above~~
circumstances, the Govt may be
pleased to pass equitable
order in the case.

28/8/97 (Red for Alt^r 25/8/97

Heard Appeal against
= dated 9-7-97.

Ref to the Sub Div. Officer
of Bench Rocks' Order in
No. 118/1896, dated 31-5-1897.

Heard both the appellant
and the respondents in this
case, and also read all
available records connected
with the case.

Chennegowda, Patel
of Halpur village applied to
and deposed in the Taluk
Cutcherry in 1873, to the effect
that Krishnappa, his
friend and well-wisher,
may be appointed to the
patel as he himself
was then too weak to work
owing to sickness and
incompetent on account
of his illiterateness. In
the course of an enquiry
as to the existence of Varas-
dars two persons came
forward, namely Kenche-
gowda (father of Manjegowda
and another Channegowda,
and said that the patel
showed carefully pass to
Manchegowda. The villagers
also opposed the transfer
of Patel to the said Krishnappa

on the ground that he was an
untrustworthy brahmin....
Manjapowda, the appealdar,
was thereupon temporarily appointed
patela as he was found to be the
hakdar, on the understanding
that he should learn to write
and prove himself competent
before he was confirmed in the post.
(vide Jamabandi Office's
Huttem No 89 dt 5-3-74)
This Manjapowda's name is to
be found also in Mr Hill's
Misal Register.
It is to be noted that
although Manjapowda was
the appointed patel, yet
Kirshnabhaya was recommended by the amildar
to be another patel for the
village, which recommendation
was sanctioned by the D/Comm^r
subject to the final approval
of the Divn Officer. But all this
correspondence between the
Taluk and the District
is not forthcoming in the
records. In the Remarks-column
of the Misal Register of Mr Hill,
mention is made of Krishnabhai's
appointment as another
patel to the same village.
But, whether the said
Manjapowda afterwards
proved himself competent
by learning to read and write

Huttem No 5, 30/4/76

No. 531

1/2

To the Councillers of Government of Mysore at Bangalore.

Special Appeal case

No. 8/1897-98

Special Appellant

Krishnappa patil of Hulgoor Malualli Taluk, Mysore District.

Special Respondant

Munche Gouda of the same place.

This is special appeal against the order of the Deputy Commissioner of the Mysore District 9th July 1897.

Grounds of Special Appeal

It is quite clear from the records that the Special Appellant Krishnappa was appointed in 1875 by the Deputy Commissioner of the District and he is alone doing

duty of the patily (The Revenue, pound work & birth and death re, sters)

II Amildars Mess. Subba Rove and Krishna Aurs' reports and the Halgoor Shanbhog's deposition before the Taluk Authorities clearly show that the Special Appeal petitioner Krishnappa alone is doing duties of potaily since his appointment i. e. since 21 years.

III It is a principal fact to be considered that the Special Respondent Munche Gowda, who knows only to sign his name, did collect revenues of the village and if so, whether he has signed the Vasulee Khiradi and &c since that time. The presumption of the deputy Commissioner is quite against the proof and the fact-

IV Munche Gowda's petition in 1894-95 to the Taluk and also to the Sub division officer French Rocks for his re-appointment to the potaily is a clear proof of his not doing any duty in the village, and also it is clear, that Muche Gowda did not do his duty up to 1894. from the order of the Amildar Hassa-

Nalli Baig.

V Mere application for leave and approval is not at all a clear proof of his doing duty, as presumed by the Deputy Commissioner. If he also was really looking after the duties of pataily, there was no any objection for his signing in the Village accounts i. e. Khairadi &c., if even at least taken to notice and considered, that as presumed by the Deputy Commissioner, Munche Gouda was doing duty up to 1880 there is no any further record nor proof of his working since that time even to support his claim to the pataily.

VI Though Munche Gouda was also appointed in 1874 there is every record and proof that the special appellant Krishnappa is only doing duty as patail of the village since 1875, but Munche Gouda's nothing, and therefore he has lost all his claims to the patailyship and

barred by Limitation. The
Acts, Codes, & Rules &c. are to
enforce the justice in the Government
and not otherwise.

Taking all the facts and
the records in the case to the
precious and honorable notice
of the benevolent Government,
the special appellent prays
a favourable decision on the
Subject.

Copy of the order appealed
against is herewith submitted.

Beg to remain Sir
your most obedient
and humble servant

18th August 1897.

R. M. 245 of 97/98

Serial No. 16

1897-98

Pet 256

From

The Deputy Commissioner

of the Mysore District.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

Dated 18th
Despatched } November
Received } 1897.

Enclosures No. Petition No. 505 with Encs. & records. & 2 packets of records received from the late Dewan Officer

General No. 570.

Reporting on the petition from Ramachandra Patel of Malagur village in the Malvalli taluk.

Please see petn. No. 531 of 18-8-97

AK 20/11/97. Refers put up.

Submitted AK 22-11-97

Read 20/11/97

For precis (early)

The Village accounts for several years have been sent up & show total 2 packets were in charge dong duty but they require no precis a note as to what they have to say about them would be Taluk & about the area & population of the Village

Sent to Mr. Krishna Rao 7/12/97

8/12/97

Returned note 9/12/97 Mr. Venkannachar for precis 11/12/97

Precis put up. 21/12/97

Read 3.1.98 Adjd

3/1/98.

Recd. the connected with precis 10/1/98.

Rd 6.30 Pm. 10.1.98.

Clerk Case

18/11/97

No. 570

Enclosures No. Petition with its enclosures and records - 4 2 packets of records recd from the Sub. Div. Officer respectively

OFFICE OF THE Dy. Commissioner
MYSORE DISTRICT,
Dated Mysore 13 Nov. 1897.

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

SIR,

Adverting to your official memoran = dum No. Petn 350 dated 28th August last, forward = ing for report with proceedings a petition from Channa Gowda Patel of Halagur village, Mal = valli taluk, appealing against this Office order dated 9th July 1897 confirming the order of the Sub Divl. Officer directing the retention of Krishnappa as joint Patel of Halagur, I have the honor to state that one Channe Gowda was the original Shakdar Patel of the village in question. In 1873 he pleaded inability to continue in office on account of ill health and being himself re = quested that his friend Krishnappa (Respon = dent) might be appointed in his place. This nomination was objected to by Channa Gow = da's relations and the villagers and with their consent the petitioner was temporarily ap = pointed successor to Channa Gowda by an order (No. 890 dt. 5th March 1874) of the then Jama bandi Officer of the taluk to whom the matter had been referred by the Deputy Commissioner for disposal.

The said order directed the Amildars to recommend the petitioner for confirmation on the latter becoming literate and well

qualified

qualified for the Office, but there is nothing to show that the confirmation was recommended or sanctioned.

Subsequently, on the representations of the Amildar to the effect that Halagur was a large village requiring an additional Patel, Colonel Hile late Deputy Commissioner seems to have submitted to the Commissioner of the Ashtagram Division a proposal for the appointment of Krishnappa (Respondent) as a joint Patel of the village and directed the Amildar in his order No 5 dated 8th April 1875 to put Krishnappa in charge of the duties in anticipation of sanction. The connected correspondence (if any) on the subject is not forthcoming and it is not clear whether or not the Deputy Commr's proposal was ever sent up for sanction by the Commissioner.

Krishnappa and the petitioner have however since been jointly performing the duties of the Office though the former being literate appears to have attended to the larger portion of the same and thus came more prominently to the notice of the authorities.

The parties had evidently no dispute between them till the Survey Settlement

but

but they have since been trying to displace one another probably because the Potgi fixed for the Office has proved an inducement for their agitation.

The petitioner wished to be the sole Patel but the Sub Division Officer of French Rocks decided in his order Eis 613 dated the 11th January 1897 that he should officiate as the Revenue Patel receiving $\frac{2}{3}$rds of the Potgi amount as his remunerations and that Krishnappas should do the duties of Police Patel and be in charge of the cattle pound, being allowed $\frac{1}{3}$rd of the Potgi for his services besides the Commission payable to him on the pound collections.

Both the parties appealed to this Office against the Sub Division Officers order but I had to confirm the same as I thought that it was most equitable under the circumstances of the case and that it would be unjustifiable to deprive Krishnappa of the Office which he had held for 22 years under an order of the District Officer.

In conclusion I beg to add that neither the Petitioner nor Krishnappa seems to have been confirmed as Patel

and

67

and both being new nominees tho the appellant was selected by the Asstt Commissioner as a Cousin of Channa Gowda and Shikdar to the Office they cannot jointly complain of the arrangement now ordered.

The proceedings connected with the case are herewith submitted and the enclosures of your memorandum under reply are returned.

I have the honor to be
Sir.
Your most Obedt Servant

Deputy Commissioner
Mysore District

Comptr.
Ully

R.M. Serial No.

2 Delhi (January)

20-1-9

89

"By order"

"Sd/-"
6636 P.
P.8882 8/12.X.98

Copy of the above is forwarded to the Dy. Commr. Gpe for information & necessary action with reference to his letter No. 570 dated 13 November 1897.

for Secy. S.R. 16-9-98

B.O.

for Secy

20-1-98

24-1-98

Two Parcels despd on 24/1/98

7/11/98

ಸಂಖ್ಯೆ
531 ನೇ ಸಿ. ಸಾಮಾನ್ಯ ಸಭೆ
2 ನೇ ಆಫೀಸ್ (Common)
20-1-98

ಅಧ್ಯಕ್ಷರು ಸಭೆಯಲ್ಲಿ ಹಾಜರಿದ್ದರು

ಅಧಿಕಾರಿಯವರ ಪತ್ರ ದಿನಾಂಕ ಮತ್ತು ಸಂಖ್ಯೆ ಮೇರೆಗೆ ಸಭೆಯಲ್ಲಿ ಹಾಜರಿದ್ದ ಸದಸ್ಯರು ಸಭೆಯಲ್ಲಿ ಹಾಜರಿದ್ದರು

ಸಭೆಯ ಕಾರ್ಯಾರಂಭದಲ್ಲಿ ಅಧ್ಯಕ್ಷರು ಸಭೆಯಲ್ಲಿ ಹಾಜರಿದ್ದ ಸದಸ್ಯರನ್ನು ಸ್ವಾಗತಿಸಿದರು

ಸಭೆಯ ಕಾರ್ಯಸೂಚಿಯಂತೆ ಅಧಿಕಾರಿಯವರು ಸಭೆಯಲ್ಲಿ ಹಾಜರಿದ್